

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SEAN NEREU,
Plaintiff,

v.

THE HERTZ CORPORATION, et al.,
Defendants.

Case No. [4:19-cv-07157-KAW](#)

ORDER ON PENDING MOTIONS

Re: Dkt. Nos. 14, 17

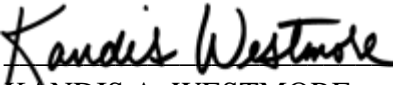
On December 2, 2019, Defendants filed a motion to dismiss three causes of action contained in the first amended complaint. (Dkt. No. 14.) Plaintiff's opposition was due on December 16, 2019. Instead of filing an opposition, Plaintiff filed a motion for leave to file a second amended complaint on December 16, 2019. (Dkt. No. 17 at 1.) Therein, Plaintiff contends that he has included additional facts in support of the causes of action that are the subject of the pending motion to dismiss. *See id.* at 2.

Pursuant to the undersigned's standing order, "[t]he failure of the opposing party to file a memorandum of points and authorities in opposition to any motion shall constitute consent to the granting of the motion." (Judge Westmore's General Standing Order ¶ 23.) Accordingly, Defendants' motion to dismiss is GRANTED as unopposed, and Plaintiff's first, eleventh, and twelfth causes of action are dismissed, but the dismissal is with leave to amend. Plaintiff shall file the second amended complaint within 7 days of this order.

Finally, Plaintiff's motion for leave to file a second amended complaint is TERMINATED as moot.

IT IS SO ORDERED.

Dated: December 17, 2019


KANDIS A. WESTMORE
United States Magistrate Judge